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Nashville, TN 37201-3300

REC'D TN
REGULATORY AUTH.

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February 15, 2001
OFFICE OF THE
EXECUTIVE SECRETARY

Charles L. Howorth, Jr.
Regulatory Vice President

615 214-6520
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Mr. David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

Re: *In the Matter of Notice of Rulemaking Amendment of Regulations For Telephone
Service Providers*
Docket No. 00-00873

Dear Mr. Waddell:

Enclosed for filing are the Industry Members' suggested revisions to the proposed rules which will be addressed during Workshop III. No rules other than those specifically referred to in the filing have been addressed, nor should any inferences be made from these suggestions as to such other proposed rules.

This filing was the result of conference calls and discussions among the listed Industry Members. Notwithstanding the wide range of interests of the parties, complete consensus was achieved. The Members submit that the suggested revisions should be given great weight as they are the result of agreements between parties with disparate and, often times, conflicting interests.

We do not expect that any listed Industry Members will file separate comments prior to Workshop III, but they are certainly free to do so. The Industry Members believe that we have made a substantive and important effort in reaching the consensus revisions and that they should be recognized and acted upon as such.

On behalf of the Industry Members,

Very truly yours,



Charles L. Howorth, Jr.

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *In the Matter of Notice of Rulemaking Amendment of Regulations for Telephone Service Providers*

Docket No. 00-00873

**INDUSTRY MEMBERS' CONSENSUS SUGGESTED REVISIONS TO
THOSE PROVISIONS OF THE PROPOSED RULES THAT
WILL BE ADDRESSED DURING WORKSHOP III**

Pursuant to the Order the Hearing Officer entered in this docket on December 15, 2000, the following entities ("Industry Members") have jointly reviewed those provisions of the proposed rules that will be addressed during Workshop III on February 20, 2001¹:

Ardmore Telephone Company, Inc.
ASCENT
AT&T
BellSouth Telecommunications, Inc.
CenturyTel of Adamsville, Inc.
CenturyTel of Claiborne, Inc.
CenturyTel of Ooltewah-Collegedale, Inc.
Citizens Communications
Crockett Telephone Company, Inc.
Loretto Telephone Company, Inc.
MCI WorldCom, Inc.
NewSouth Communications Corporation
Peoples Telephone Company
SECCA
Sprint Communications Company L.P.
TEC
TDS Telecom
Time Warner Telecommunications
United Telephone Company
United Telephone-Southeast
U.S. LEC
West Tennessee Telephone Company, Inc.
XO Communications

¹ e.spire has recently notified the Industry Members that it has decided not to participate in the Workshops.

This document sets forth the Industry Members' consensus suggested revisions to the proposed rules as follows.

I. EXPLANATION OF CONSENSUS SUGGESTED REVISIONS

Each proposed rule that will be addressed during Workshop III is set forth below. The Industry Members have reached a consensus regarding proposed revisions to these rules. Each Industry Member reserves the right to address such provisions during Workshop III and to file written comments regarding such provisions.

CONSENSUS SUGGESTED REVISIONS

1220-4-2-.01 Definitions

"Trouble Report" means any oral or written report from a subscriber or user of telephone service relating to a physical defect or to difficulty or dissatisfaction with the operations of telephone facilities. Reports that duplicate a previous report or merely involve an inquiry concerning progress on a previous report shall not be counted as a trouble report.

"Repeat Trouble Report" means any oral or written report from a subscriber or user of telephone service relating to a physical defect or to difficulty or dissatisfaction with the operations of telephone facilities and which are reported within 30 days of the subscriber's service provider having cleared a prior trouble report filed by the same subscriber with regard to the same telephone facilities. If the cause of the subsequent trouble report is separate and distinct from the cause of the prior trouble report, the subsequent trouble report shall not be deemed to be a "Repeat Trouble Report."

1220-4-2-.10 Emergency Service Provisioning

- (1) All telecommunications service providers shall take the appropriate measures to meet emergency situations including but not limited to electricity failure due to weather conditions and sudden and prolonged increases in network traffic.
- (2) Within 180 days of the effective date of this Chapter all telecommunications service providers are required to meet the following objectives:
 - (a) Central offices with installed emergency power generators will have a minimum of three (3) hours of battery capacity to handle the busy season, peak-traffic hours.

- (b) Central offices without emergency power generators on site will have a minimum of five (5) hours battery capacity to handle the busy season, peak-traffic hours. These offices must have ready access to portable power generators that can be connected prior to battery capacity exhaust.
- (3) In periods of prolonged and massive service outages, telecommunications service providers have the authority to restrict local service in order to provide essential service to agencies such as the police and emergency service providers.

1220-4-2-.11 Telephone Construction

- (1) After the construction of plant by either a telecommunications service provider or its contractors, it is the duty of each telecommunications service provider to restore the property where the construction took place to as near the condition in which it existed prior to construction as possible within a reasonable period of time.
- (2) It is the duty of telecommunications service providers to comply with Tenn. Code Ann. §65-31-102 et seq. which includes, but is not limited to, contacting Tennessee One Call for the purpose of locating any underground utilities that may be damaged by proposed construction prior to installing facilities.
- (3) It is the duty of telecommunications service providers to comply with all applicable local, state, and federal construction standards and codes.

1220-4-2-.16 Adequacy of Service

Each telecommunications service provider shall employ adequate engineering and administrative procedures and maintain the necessary network facilities to ensure adequate service is being provided to its customers.

1220-4-2-.17 Basic Obligations for ETCs

The following requirements apply to all ETCs offering service in the State of Tennessee. An ETC shall not be responsible for failure to comply with these requirements to the extent that such failure is caused by Acts of God, severe weather, or the actions of third parties who are neither owned nor controlled by the ETC. Nor shall the ETC be responsible for such failure in any exchange in which a declaration of a natural disaster or state of emergency has been issued by a federal, state, or local authority during any applicable measurement period.

- (1) Each ETC shall provide an adequate level of service to all of its customers. Service adequacy shall include the following requirements:

- (a) Access lines providing voice grade basic service shall be capable of carrying data speeds effectively not less than 9.6 kilobits per second.
- (b) Lifeline and Link-up telephone assistance programs shall be tariffed with the Authority and provided to eligible customers in accordance with 1220-4-2-.19.
- (c) Where the customer and the ETC have not mutually agreed to a different time period, where the service order involves less than 10 lines, and where construction is not required, no less than the following percentage of service orders shall be completed within five (5) working days as measured on a quarterly basis:

Exchanges with 5000 or less lines	80%
Exchanges with more than 5000 lines and less than 10,000 lines	85%
Exchanges with 10,000 or more lines	90%

Failure to meet this standard for two (2) consecutive quarters is deemed a violation of this Chapter.

- (d) Where the customer and the ETC have not mutually agreed to a different time period, where the service order involves less than 10 lines, and where construction is required, no less than the following percentage of service orders shall be completed within thirty (30) working days as measured on a quarterly basis:

Exchanges with 5000 or less lines	80%
Exchanges with more than 5000 lines and less than 10,000 lines	85%
Exchanges with 10,000 or more lines	90%

In the instance of any such order where construction has not been completed within thirty (30) days, the ETC shall notify the Consumer Service Division in writing of the delay and provide any other information

requested by the Authority. Failure to meet this standard for two (2) consecutive quarters is deemed a violation of this Chapter.

- (e) For service orders that are not subject to subsections (c) or (d) of this rule, the ETC shall fulfill no less than 90% of its commitments to provide service on a date certain as measured on a quarterly basis. Failure to meet this standard in two (2) consecutive quarters is deemed a violation of this Chapter.

- (f) An ETC shall have no more than the following number of trouble reports per 100 access lines, as measured on a quarterly average basis:

Exchanges with 5000 or less lines	8 per month
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Exchanges with more than 5000 lines and less than 10,000 lines	6 per month
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Exchanges with 10,000 or more lines	5 per month
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Failure to meet this standard in two (2) consecutive quarters is deemed a violation of this Chapter.

- (g) No less than the following percentages of out of service trouble reports, as measured on a quarterly basis, shall be restored within 36 hours:

Exchanges with 5000 or less lines	80%
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Exchanges with more than 5000 lines and less than 10,000 lines	82%
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Exchanges with 10,000 or more lines	85%
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Failure to meet this standard in two (2) consecutive quarters is deemed a violation of this Chapter.

- (h) No more than the following percentages of trouble reports, as measured on a quarterly basis, shall be repeat trouble reports:

Exchanges with 5000 or less lines	30%
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Exchanges with more than
5000 lines and less than
10,000 lines 27%

Exchanges with 10,000
or more lines 25%

Failure to meet this standard in two (2) consecutive quarters is deemed a violation of this Chapter.

- (i) An ETC shall maintain an average of less than 20,000 defects (messages blocked other than by action of customer) per million as measured on a statewide level and on a quarterly basis. Failure to meet this standard in two (2) consecutive quarters is deemed a violation of this Chapter.
- (j) An ETC shall provide dial tone within three (3) seconds on 99% of calls within each exchange, as measured on a quarterly basis.
- (k) An ETC shall provide sufficient facilities to accommodate realistic forecasted growth projections in access lines within each exchange.
- (l) An ETC shall provide adequate means whereby its customers can contact repair service at all hours.
- (m) Calls to the telephone number listed in the directory for an ETC's directory assistance, business offices, and repair services shall be answered, as measured² on an aggregated quarterly basis, as follows:
 - (i) When an ETC utilizes a live attendant to answer such calls, the ETC shall maintain a 60 second average speed of answer. The speed of answer time shall begin when the call arrives at the ETC's automatic call distributor.
 - (ii) When an ETC utilizes an automated interactive answering system (hereafter referred to as "system") to answer such calls, the initial recorded message shall not contain any marketing or promotional information. At any time during the automated call, the customer shall be placed in queue for live assistance if the customer either

² Ardmore, Crockett, Loretto, Peoples, United, and West Tennessee telephone companies do not currently have the capability to measure answer times, and object to this rule to the extent that it would require them to expend the resources to obtain such capability. Given the high levels of service they provide, these companies believe that such an expenditure would be unnecessary and imprudent. These companies reserve the right to comment further on this issue and on other measurement and reporting burdens.

elects the option for live assistance or fails to interact with the system for a time period of thirty seconds following any prompt. Once the customer is placed in queue for live assistance, the ETC shall maintain a 60 second average speed of answer for such calls.

Failure to meet this standard in two (2) consecutive quarters is deemed a violation of this Chapter.

(2) Carrier of last resort

If an unserved community or any portion thereof requests service, the Authority may, pursuant to 47 U.S.C. §214(e)(3), designate a Carrier of Last Resort to provide the unserved community or portion thereof services that are supported by Federal universal service support mechanisms under 47 U.S.C. §254(c).

1220-4-2-.18 Quality of Service Mechanisms (QSMs) for ETCs

- (1) The Authority recognizes the importance of quality telephone service to the economic well being of Tennessee. Customer expectations for quality telephone service must not be compromised as the State moves toward a more competitive environment for local telephone service. To maintain quality telephone service for all consumers, the Authority has designed Quality of Service Mechanisms ("QSMs"). QSMs are also designed for ETCs to compensate customers for failing to obtain quality services within a reasonable timeframe.
- (2) If an ETC violates any of the provisions of Rule Chapter 1220-4-2-.17(1)(c), (d), or (f) during two consecutive quarters within a calendar year, the ETC shall invoke the following QSMs subsection during the next quarter:
 - (a) Installation of Service Orders
 - (i) For service orders covered by subsections 1220-4-2-.17(c) of this rule, an ETC shall, upon request of the customer, waive 50% of the service ordering charges if the service is not installed within ten (10) business days of the ETC's receipt of a completed service order.
 - (ii) For service orders covered by subsections 1220-4-2-.17(d) of this rule, an ETC shall, upon request of the customer, waive 50% of the service ordering charges if the service is not installed within ten (45) business days of receipt of a completed service order.
 - (iii) An ETC shall inform its customers of their right to request the waivers set forth in this subsection.

(b) Customer Trouble Reports

The ETC shall pay to the Authority a fine of \$5.00 per each trouble report in excess of the amount permitted by 1220-4-2-.17(f).

- (3) An ETC shall not be responsible for any Quality of Service Mechanisms set forth herein to the extent that Acts of God, severe weather, or the actions of third parties who are neither owned nor controlled by the ETC caused the invocation of the QSM.
- (4) The ETC shall notify the Authority in writing ten (10) business days prior to invoking the QSMs.
- (5) QSMs are not intended to limit ETCs from providing higher levels of compensation to their customers but rather establish a floor of minimum compensation.
- (6) An ETC that has triggered QSMs shall submit to the Authority a quarterly summary of information providing the number of customers within an exchange receiving the credit or any other information as required by the Authority.

~~1220-4-2-.20 Telephone Number Conservation~~

1220-4-2-.21 Toll Free County-Wide Calling

Telecommunications Service Providers shall provide toll-free calling on calls originating and terminating within the same county consistent with all applicable law.

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2001, a copy of the foregoing document was served on the parties of record, via the method indicated:

<input type="checkbox"/> Hand	James Lamoureux, Esquire
<input type="checkbox"/> Mail	AT&T
<input type="checkbox"/> Facsimile	1200 Peachtree St., NE
<input type="checkbox"/> Overnight	Atlanta, GA 30309
<input type="checkbox"/> Hand	James Wright, Esq.
<input type="checkbox"/> Mail	United Telephone - Southeast
<input type="checkbox"/> Facsimile	14111 Capitol Blvd.
<input type="checkbox"/> Overnight	Wake Forest, NC 27587
<input type="checkbox"/> Hand	Dana Shaffer, Esquire
<input type="checkbox"/> Mail	XO Communications, Inc.
<input type="checkbox"/> Facsimile	105 Malloy Street, #100
<input type="checkbox"/> Overnight	Nashville, TN 37201
<input type="checkbox"/> Hand	Susan Berlin, Esquire
<input type="checkbox"/> Mail	MCI Worldcom, Inc.
<input type="checkbox"/> Facsimile	Six Concourse Pkwy, #3200
<input type="checkbox"/> Overnight	Atlanta, GA 30328
<input type="checkbox"/> Hand	Henry Walker, Esquire
<input type="checkbox"/> Mail	Boult, Cummings, et al.
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<input type="checkbox"/> Overnight	Nashville, TN 37219-8062
<input type="checkbox"/> Hand	John B. Adams
<input type="checkbox"/> Mail	Citizens Communications
<input type="checkbox"/> Facsimile	250 S. Franklin St.
<input type="checkbox"/> Overnight	Cookeville, TN 38501
<input type="checkbox"/> Hand	Bruce H. Mottern
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☐ Hand
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